



EX PARTE

June 23, 2004

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation by WilTel Communications, LLC

**Telephone Number Portability, CC Docket No. 95-116
Developing a Unified Inter-carrier Compensation Regime, CC Docket
No. 01-92**

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, WilTel Communications, LLC ("WilTel") submits this notice in the above-captioned proceedings of an ex parte presentation made on June 22, 2004 during a meeting among Steve Morris, Victoria Schlesinger and Jay Atkinson of the Wireline Competition Bureau's Pricing Policy Division and Mike Shaw, Victoria Hines, Satish Thomas and the undersigned with WilTel. The points set forth in the attached materials were discussed at the meeting.

Please do not hesitate to contact me with any questions about this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Kupetsky", written over a horizontal line.

Adam Kupetsky
Director of Regulatory
Regulatory Counsel

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Attachment



WIRELESS TRAFFIC AND THE JURISDICTIONAL MORASS

WilTel Communications, LLC

FCC Must Mandate Accurate Jurisdictional Assignment of “Roaming” Traffic

- Determining the jurisdiction of wireless traffic originated outside of caller’s calling area (“Roaming”) is crucial
 - Costs IXC’s millions of dollars due to wrongful jurisdictional assignment; problem is exacerbated with growth of wireless Roaming
 - Misapplication of jurisdiction distorts market
 - LECs misinterpret rules, resulting in interstate traffic being assigned to higher-rate intrastate jurisdiction
 - Untenable for IXCs because customers see interstate call but charged by LECs for intrastate
 - Lawsuits filed across the country to address issue

Jurisdictional Mechanisms Used by LECs are Inaccurate

- Currently, LECs unwilling to acknowledge information showing accurate jurisdiction of wireless Roaming traffic
 - No FCC-mandated call origination parameters
 - LECs use CPN/ANI, which is not accurate for Roaming
 - Wireless carriers do not uniformly use accurate jurisdictional identifiers such as Originating Local Routing Number (“OLRN”)
 - IXCs forced to pay intrastate and sell interstate

The Problem with CPN

- The Calling Party Number (“CPN”) is the phone number of the person originating the call
 - The phone number (whether wireline or wireless) is assigned based on the caller’s rate center
 - This is accurate when the call actually originates within the caller’s rate center
- If the caller is Roaming on a wireless phone, however, the CPN does not accurately reflect the location where the call originates
 - Vast majority of these calls are from a Roaming location outside the calling party’s home state calling back to the caller’s home state
 - Use of CPN shows intrastate call when call is actually interstate

The Answer: LRN

- Originating Local Routing Number (“OLRN”) is the NPA/NXX of the switch initially hit by the Roaming call
 - Closest to true originating location of the call
 - Call will be routed from handset to cell, then to MTSO and then to switch near MTSO
 - Call never goes to switch near the NPA/NXX of caller (unless called party is there)
 - More accurate than CPN for Roaming calls
 - But, currently no regulatory mandate to pass OLRN, so some LECs don’t recognize it

FCC Must Act Quickly to Resolve

- FCC should mandate wireless carrier passing of accurate OLRN and LEC acceptance of OLRN as jurisdictional identifier for Roaming
 - Much of industry (including LECs, wireless carriers and IXC's) are prepared to populate and pass accurate LRN, which involves simple software upgrade
 - But, absent FCC mandate:
 - Final agreement could take years, which the industry cannot afford
 - LECs will continue to maintain that they don't recognize LRN as jurisdictional identifier for wireless calls

FCC Must Act Quickly to Resolve

- For wireless carriers that don't pass OLRN, FCC should mandate that they provide accurate certification of jurisdiction and that LECs accept certification
 - Even without OLRN, LECs should rely on best available information to determine jurisdiction of call
 - Reliance on CPN for wireless Roaming calls is simply inaccurate and may not be consistent with LEC tariffs

Alternatively, FCC Should Create Interstate Presumption

- If FCC doesn't mandate use and LEC recognition of OLRN, Commission should create rebuttable presumption that Roaming traffic is interstate
 - Analogous to “Mixed Use” doctrine - if jurisdiction cannot be determined, then interstate is the default
 - Unless OLRN is used or LECs rely on wireless carrier certifications, jurisdiction of wireless Roaming calls cannot be determined

FCC Must Act Now

- Waiting for interstate/intrastate equalization of access charges not an option
 - Will take longer than expected
 - LEC incentive for delay
 - Wireless Roaming growing
- FCC responsibility to act
 - Absent FCC action going forward, LECs will engage in self-help, and disputes will grow
 - Little FCC action required for common sense result